

## UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

SEP 29 2011

Honorable Larry K. Shumway Superintendent of Public Instruction Utah State Office of Education 250 East 500 South PO Box 144200 Salt Lake City, Utah 84114-4200

Dear Superintendent Shumway:

This letter is in response to the July 1, 2011 appeal by the Utah State Office of Education (USOE) Special Education Services of the U.S. Department of Education's (the Department's) determination under section 616(d) of the Individuals with Disabilities Education Act (IDEA). The Department concluded in its June 20, 2011 response to USOE's Federal fiscal year 2009 (FFY 2009) Annual Performance Report (APR) that USOE needed intervention in meeting the requirements of Part B of the IDEA. Part B of the IDEA provides funds to States to assist in making available a free appropriate public education to eligible children with disabilities and their families.

USOE submitted additional information and data on July 29, 2011 and September 14, 2011 including: (1) executive summaries of the 23 State monitoring reports issued during the FFY 2008-2009 State performance period; (2) documentation of the monitoring finding and correction; (3) revised language for Indicator 12 of the APR clarifying that only one local educational agency (LEA) was identified with noncompliance; and, (4) an explanation of the discrepancies between the one finding made under Indicator 12 as reported in the State's FFY 2009 APR and the FFY 2008 individual APR reports for two different LEAs with noncompliance under the same indicator.

The Department reviewed the State's supplemental submissions and has changed USOE's FFY 2011 determination under section 616 of the IDEA from "needs intervention" to "meets requirements." I am attaching to this letter the revised APR response table based on your revised submissions and including the Department's analysis and conclusions of the revisions. Additionally, the State will need to post the revised SPP/APR submission on the USOE's website to comply with Part B's public reporting requirements.

I appreciate the time and energy that you and your staff have devoted to the APR process as we work together to improve educational outcomes for children with disabilities. If you have any additional questions, please contact Gregg Corr at 202 245-7309.

Sincerely,

Melody Musgrove, Ed.D

Director

Office of Special Education Programs

Enclosures

cc: Orrin G. Hatch, United States Senate Glenna Gallo, USOE Director of Special Education